

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

TERRESTRIAL COMMS LLC,

Plaintiff

v.

**ACCO BRANDS USA LLC, AND
ACCO BRANDS CORPORATION,**

Defendants

Case No. 6:20-cv-00097

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Terrestrial Comms LLC (“Plaintiff” or “Terrestrial”) hereby asserts the following claims for patent infringement against Defendant ACCO Brands USA LLC and ACCO Brands Corporation (“Defendants” or “ACCO”), and alleges, on information and belief, as follows:

THE PARTIES

1. Terrestrial is a limited liability company organized and existing under the laws of the Texas with its principal place of business at 17330 Preston Road, Suite 200D, Dallas, Texas 75252.
2. On information and belief, Defendant ACCO Brands USA LLC is a Delaware corporation with its headquarters at 4 Corporate Drive, Lake Zurich, Illinois 60047.
3. On information and belief, Defendant ACCO Brands Corporation is a Delaware corporation with its headquarters at 120 Ricefield Lane, Hauppauge, New York 11788.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*

This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. Defendant has committed acts of infringement in this judicial district.

6. On information and belief, the Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in the state of Texas, has conducted business in the state of Texas, and/or has engaged in continuous and systematic activities in the state of Texas.

7. On information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in the Western District of Texas.

8. On information and belief, Defendant maintains a regular and established place of business in this Judicial District as evidenced by a recent job posting for a Marketing Manager in Austin, Texas.



9. Venue is proper in the Western District of Texas pursuant to 28 U.S.C. § 1400(b).

ACCUSED PRODUCTS

10. Upon information and belief, Defendant makes, uses, imports, sells, and/or offers for sale the Kensington Pro Fit Wireless Keyboard and Mouse, (collectively the “Accused Products”).

11. Upon information and belief, Defendant ACCO encourages and supports the use of the Accused Products through its online support, advertising, and licensing relationships with resellers.

THE PATENTS-IN SUIT

12. On August 29, 2006, United States Patent No. 7,098,850 (the “850 patent”), entitled “Grounded Antenna for a Wireless Communication Device and Method,” was duly and lawfully issued by the U.S. Patent and Trademark Office.

13. Terrestrial is the assignee and owner of the right, title and interest in and to the ’850 patent, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

14. On March 20, 2007, United States Patent No. 7,193,563 (the “563 patent”), entitled “Grounded Antenna for a Wireless Communication Device and Method,” was duly and lawfully issued by the U.S. Patent and Trademark Office.

15. Terrestrial is the assignee and owner of the right, title and interest in and to the ’563 patent, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

16. On August 12, 2008, United States Patent No. 7,411,552 (the “552 patent”), entitled “Grounded Antenna for a Wireless Communication Device and Method,” was duly and lawfully issued by the U.S. Patent and Trademark Office.

17. Terrestrial is the assignee and owner of the right, title and interest in and to the '552 patent, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

18. On December 6, 2005, United States Patent No. 6,973,133 (the "133 patent"), entitled "Integrated Radio Frequency Interface," was duly and lawfully issued by the U.S. Patent and Trademark Office.

19. Terrestrial is the assignee and owner of the right, title and interest in and to the '133 patent, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

20. On February 11, 2003, United States Patent No. 6,519,290 (the "290 patent"), entitled "Integrated Radio Frequency Interface," was duly and lawfully issued by the U.S. Patent and Trademark Office.

21. Terrestrial is the assignee and owner of the right, title and interest in and to the '290 patent, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,098,850

22. Terrestrial repeats and realleges the allegations of paragraphs 1 through 21 as if fully set forth herein.

23. Claim 1 of the '850 Patent recites:

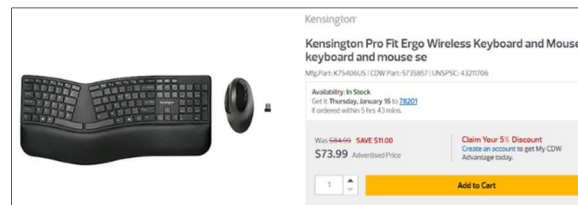
1. A wireless communication device, comprising:
 - a substrate;
 - a wireless communication chip positioned on said substrate;
 - a ground plane positioned on said substrate;

a first antenna operating at a first operating frequency and electrically coupled to said wireless communication chip by a coupling element, said first antenna also electrically coupled to said ground plane; and said coupling element being arranged to act as a second antenna at a second operating frequency.

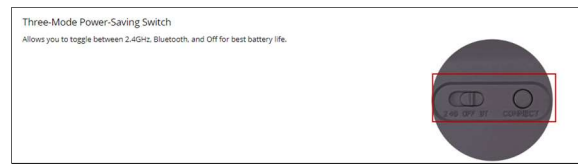
24. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant has infringed and continues to infringe the '850 Patent by making, using, importing, offering for sale, and/or selling the Accused Products.

25. As exemplified below, the Accused Products are a wireless communication device. *A wireless communication device, comprising:*

The Accused Instrument communicates via Wireless USB Radio and Bluetooth.



<https://www.cdw.com/product/kensington-pro-fit-ergo-wireless-keyboard-and-mouse-keyboard-and-mouse-se/5735857>



<https://www.cdw.com/product/kensington-pro-fit-ergo-wireless-keyboard-and-mouse-keyboard-and-mouse-se/5735857>

a substrate; a wireless communication chip positioned on said substrate;

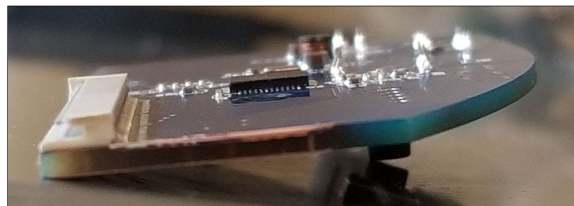
a ground plane positioned on said substrate;

The chipset within the Accused Instrument comprises a substrate, a wireless communication chip positioned on said substrate, and a ground plane positioned on one

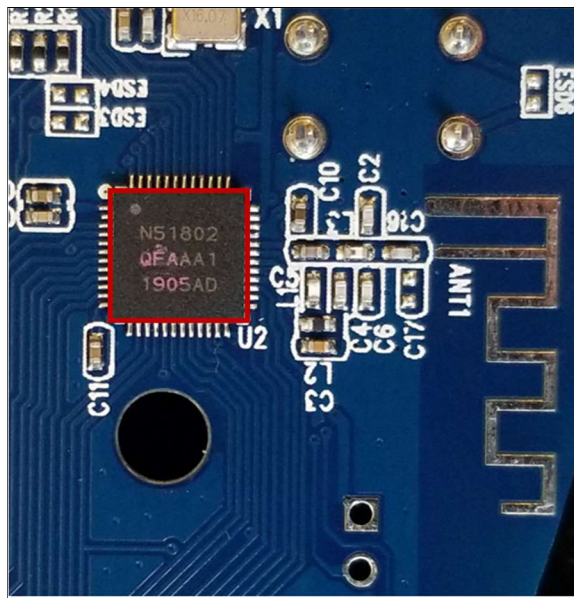
side of that substrate:

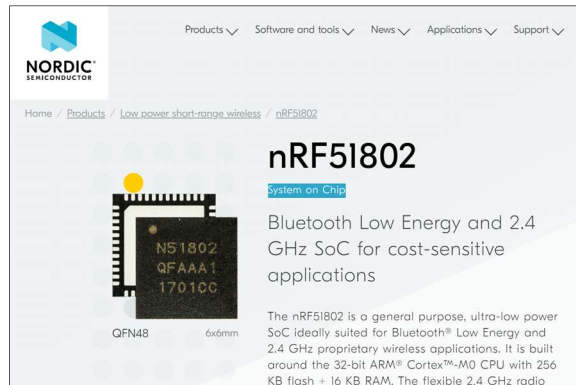


<https://fccid.io/GV3-M01440K/Internal-Photos/Internal-photos-4329536>

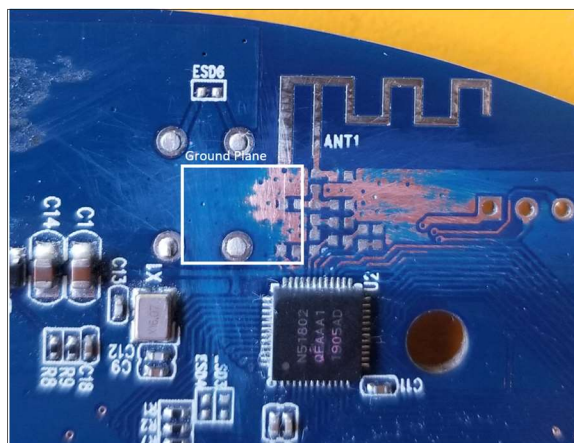


The Accused Instrument utilizes a Nordic Semi Conductor nRF51802 chip, which is a wireless communication RF/Bluetooth Chip.





<https://www.nordicsemi.com/Products/Low-power-short-range-wireless/nRF51802>



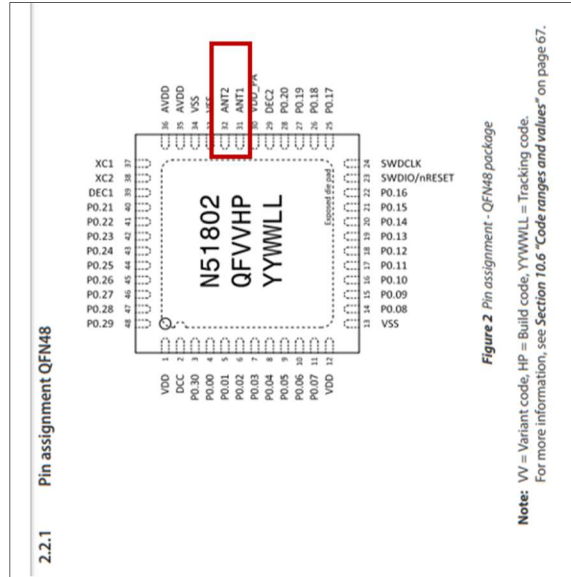
Both the Ground Plane and RF Chip are position on the substrate



a first antenna operating at a first operating frequency and electrically coupled to said wireless communication chip by a coupling element, said first antenna also electrically coupled to said ground plane; and

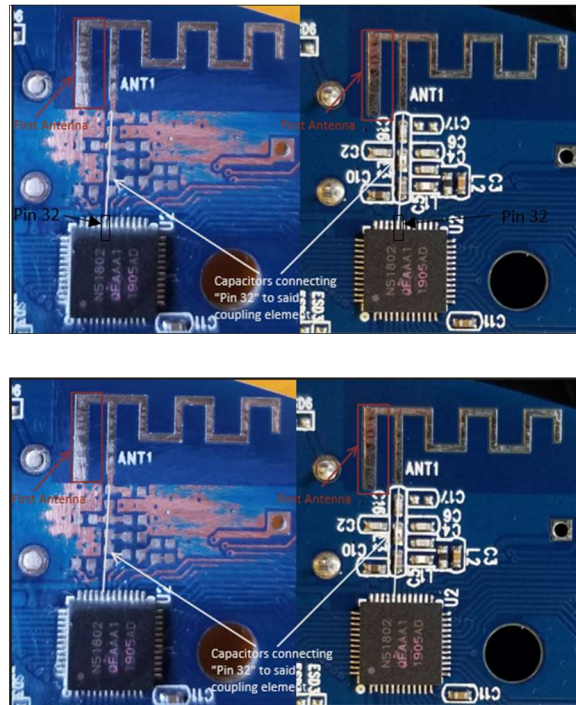
The Accused Instrument utilizes an antenna that is electrically coupled to the wireless communication chip and electrically shorted at one end to said ground plane:

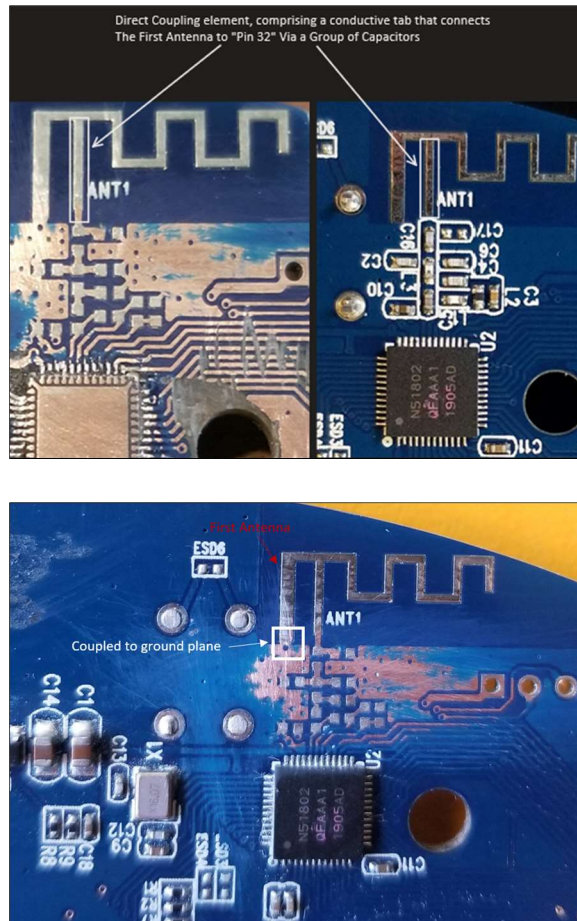
The First Antenna is operates at a first frequency:



31	ANT1	RF	Differential antenna connection (TX and RX).
32	ANT2	RF	Differential antenna connection (TX and RX).

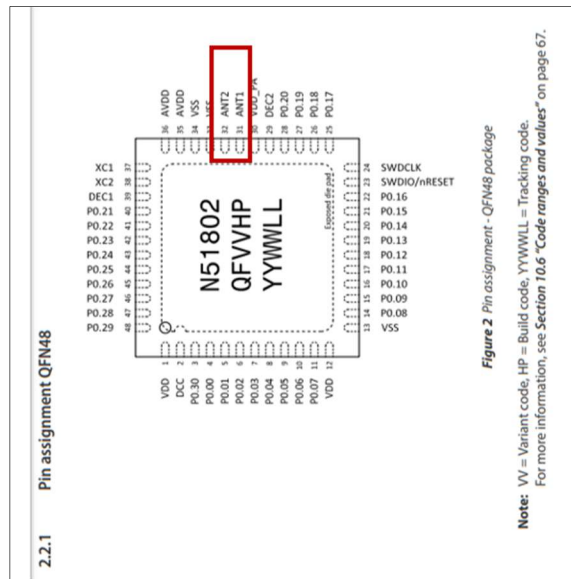
https://infocenter.nordicsemi.com/pdf/nRF51802_PS_v1.2.pdf?cp=5_5_0_0





said coupling element being arranged to act as a second antenna at a second operating frequency.

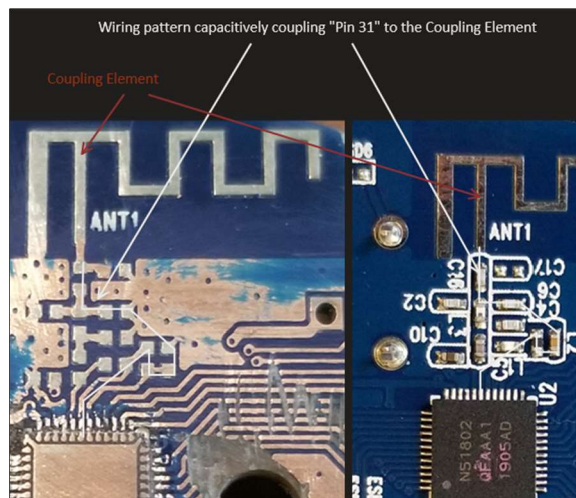
The wireless communication chip is designed to support two antennas:



31	ANT1	RF	Differential antenna connection (TX and RX).
32	ANT2	RF	Differential antenna connection (TX and RX).

https://infocenter.nordicsemi.com/pdf/nRF51802_PS_v1.2.pdf?cp=5_5_0_0

The coupling element is capacitively coupled to the Pin 31 – a pin designated for a second differential antenna connection.



Thus, according to the functionality of the chip, the wiring pattern of the coupling element with said chip the coupling element is arranged to operate at a second frequency.

26. Terrestrial is entitled to recover from Defendant the damages sustained by Terrestrial as a result of Defendant's infringement of the '850 Patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT II – INFRINGEMENT OF U.S. PATENT NO. 7,193,563

27. Terrestrial repeats and realleges the allegations of paragraphs 1 through 21 as if fully set forth herein.

28. Claim 1 of the '563 Patent recites:

1. A wireless communication device, comprising:

a substrate;

a wireless communication chip positioned on said substrate;

a ground plane positioned on said substrate; and

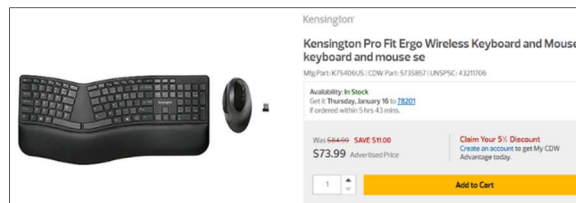
an antenna electrically coupled to said wireless communication chip and electrically shorted at one end to said ground plane.

29. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant has infringed and continues to infringe the '563 Patent by making, using, importing, offering for sale, and/or selling the Accused Products.

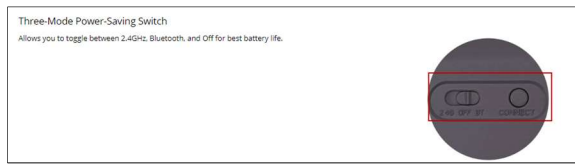
30. As exemplified below, the Accused Products are a wireless communication device.

A wireless communication device, comprising:

The Accused Instrument communicates via Wireless USB Radio and Bluetooth.



<https://www.cdw.com/product/kensington-pro-fit-ergo-wireless-keyboard-and-mouse-keyboard-and-mouse-se/5735857>



<https://www.cdw.com/product/kensington-pro-fit-ergo-wireless-keyboard-and-mouse-keyboard-and-mouse-se/5735857>

a substrate;

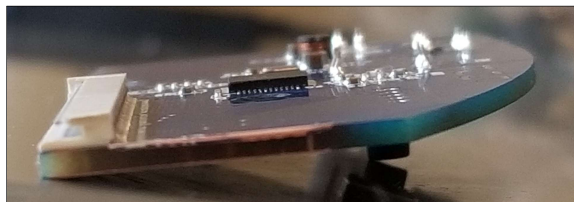
a wireless communication chip positioned on said substrate;

a ground plane positioned on said substrate; and

The chipset within the Accused Instrument comprises a substrate, a wireless communication chip positioned on said substrate, and a ground plane positioned on one side of that substrate:

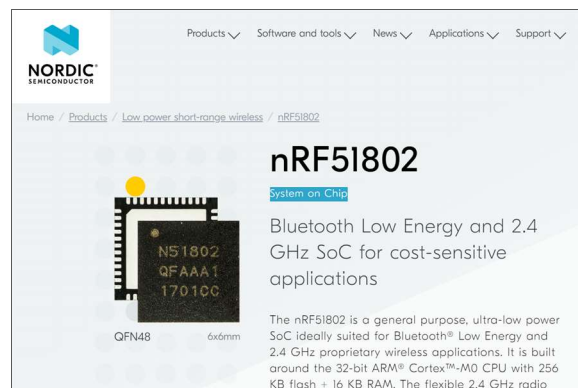
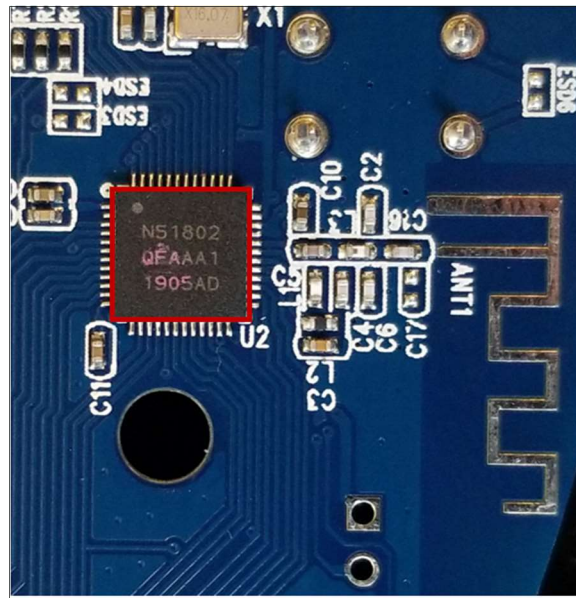


<https://fccid.io/GV3-M01440K/Internal-Photos/Internal-photos-4329536>

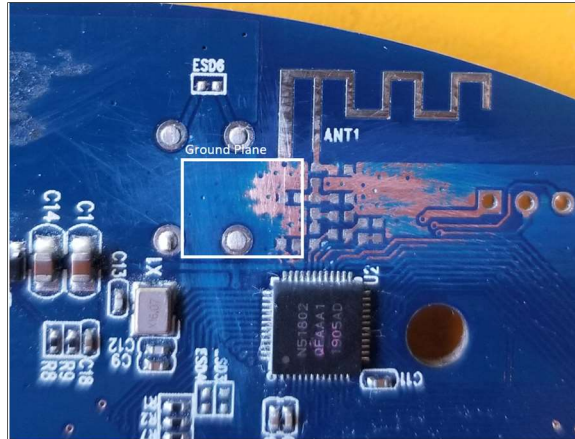
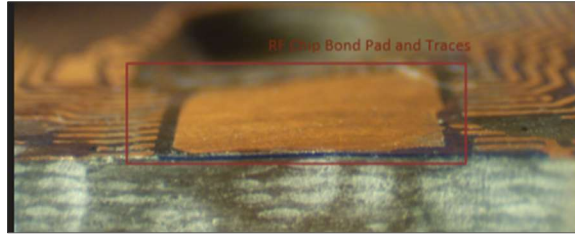


The Accused Instrument utilizes a Nordic Semi Conductor nRF51802 chip, which

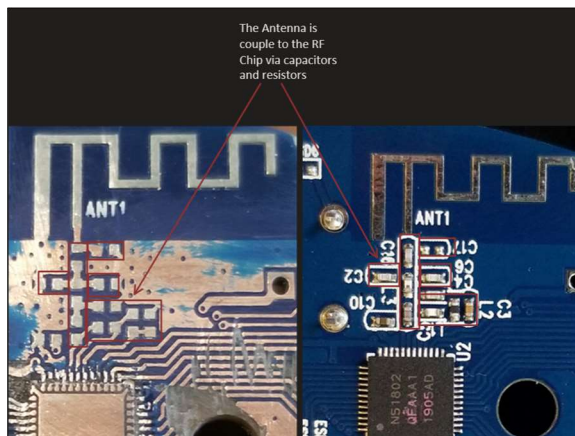
is a wireless communication RF/Bluetooth Chip.



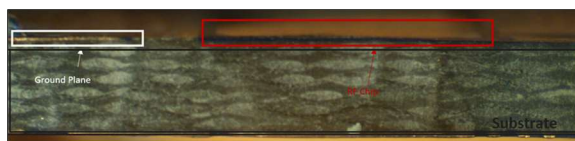
<https://www.nordicsemi.com/Products/Low-power-short-range-wireless/nRF51802>



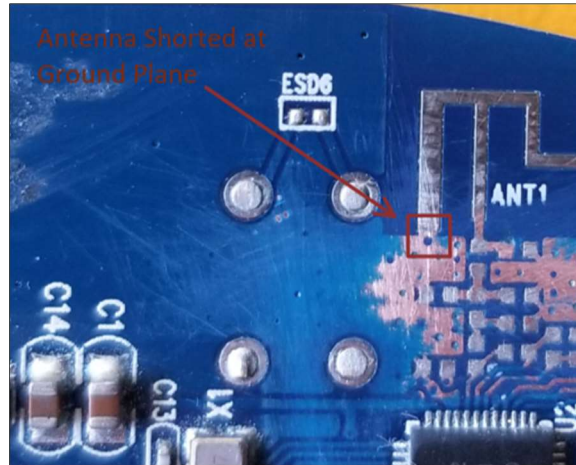
The Accused Instrument utilizes an antenna that is electrically coupled to the wireless communication chip and electrically shorted at one end to said ground plane:



Both the Ground Plane and RF Chip are positioned on the substrate.



an antenna electrically coupled to said wireless communication chip and electrically shorted at one end to said ground plane.



31. Terrestrial is entitled to recover from Defendant the damages sustained by Terrestrial as a result of Defendant's infringement of the '563 Patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT III – INFRINGEMENT OF U.S. PATENT NO. 7,411,552

32. Terrestrial repeats and realleges the allegations of paragraphs 1 through 21 as if fully set forth herein.

33. Claim 1 of the '552 Patent recites:

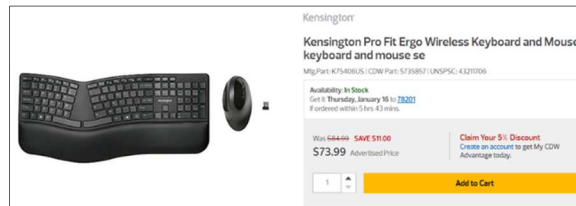
1. A wireless communication device, comprising:
 - a substrate;
 - a ground plane positioned on one side of the substrate;
 - a wireless communication chip electrically connected to said ground plane and proximate thereto;
 - an antenna having a first end and a second end, said first end electrically connected to said ground plane; and
 - said second end comprising an open circuit.

34. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant has infringed and continues to infringe the '552 Patent by making, using, importing, offering for sale, and/or selling the Accused Products.

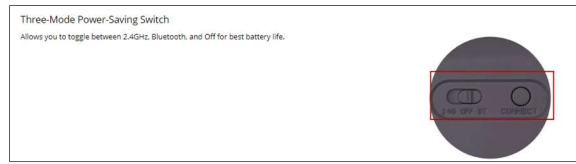
35. As exemplified below, the Accused Products are a wireless communication device that communicates via Bluetooth and Wi-Fi.

A wireless communication device, comprising:

The Accused Instrument communicates via iWireless USB radio and Bluetooth.



<https://www.cdw.com/product/kensington-pro-fit-ergo-wireless-keyboard-and-mouse-keyboard-and-mouse-se/5735857>



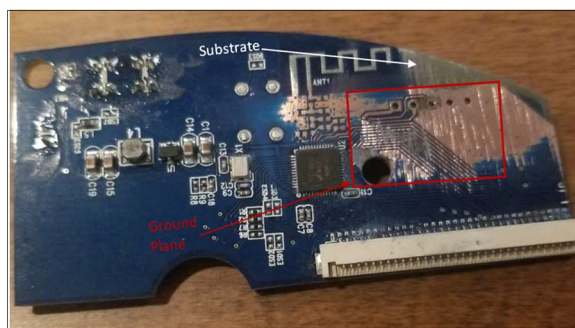
<https://www.cdw.com/product/kensington-pro-fit-ergo-wireless-keyboard-and-mouse-keyboard-and-mouse-se/5735857>

a substrate; a ground plane positioned on one side of the substrate;

The chipset within the Accused Instrument comprises of a substrate and a ground plane positioned on one side of that substrate:

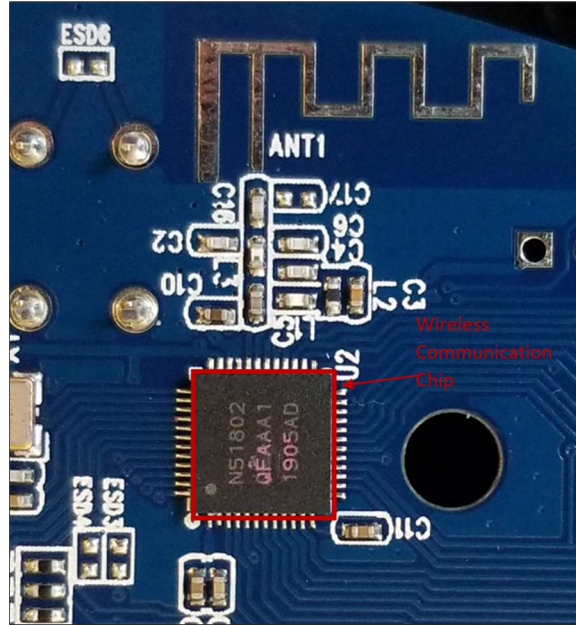


<https://fccid.io/GV3-M01440K/Internal-Photos/Internal-photos-4329536>

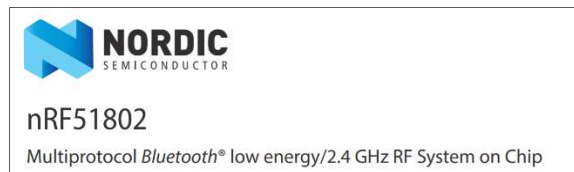


a wireless communication chip electrically connected to said ground plane and proximate thereto;

The Accused Instrument includes a wireless communication chip (Nordic Semiconductor nRF51802).

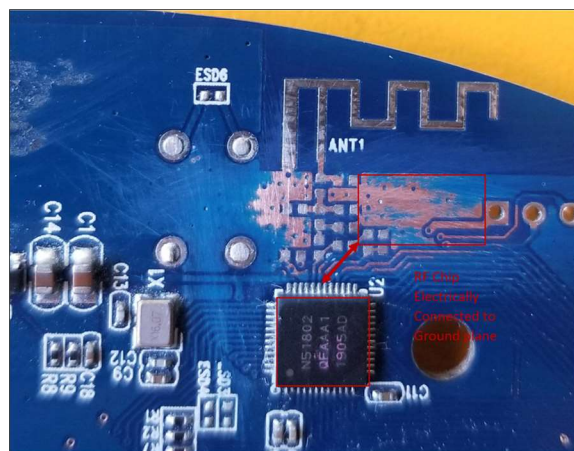


<https://www.nordicsemi.com/Products/Low-power-short-range-wireless/nRF51802>

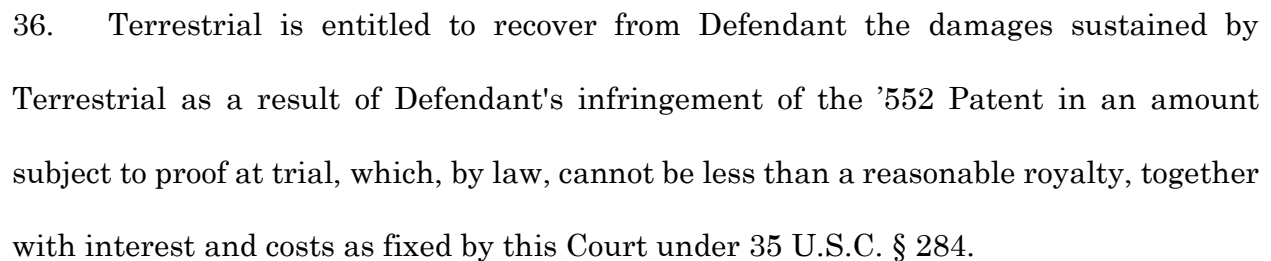


<http://www.dnsj88.com/UploadFiles/File/2018-03/6365768083742048853690195.pdf>

The wireless communication chip is electrically connected to the ground plane and proximate thereto.



The Accused Instrument comprises an antenna having two ends, one electrically connected to said ground plane and another comprising an open circuit:



COUNT IV – INFRINGEMENT OF U.S. PATENT NO. 6,973,133

37. Terrestrial repeats and realleges the allegations of paragraphs 1 through 21 as if fully set forth herein.

38. Claim 1 of the '133 Patent recites:

1. An apparatus comprising:

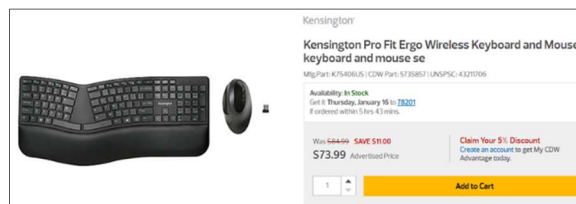
a circuit configured to (i) communicate one or more Universal Serial Bus (USB) data signals via a wireless radio signal comprising a single frequency hopping sequence configured to support one or more USB devices and (ii) enumerate said one or more USB devices.

39. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant has infringed and continues to infringe the '133 Patent by making, using, importing, offering for sale, and/or selling the Accused Products.

40. As exemplified below, the Accused Products are an apparatus comprising a circuit configured to communicate USB data signals over a wireless frequency.

An apparatus comprising:

The Accused Instrumentality is an apparatus comprising a circuit configured to communicate USB data signals over a wireless frequency to one or more USB devices (e.g. keyboard and mouse) and to enumerate the USB devices.

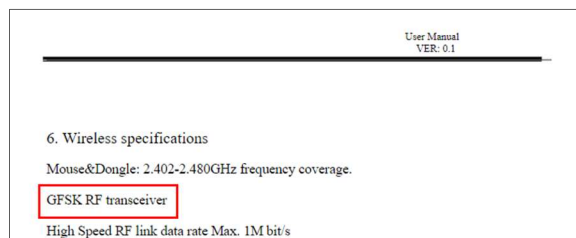
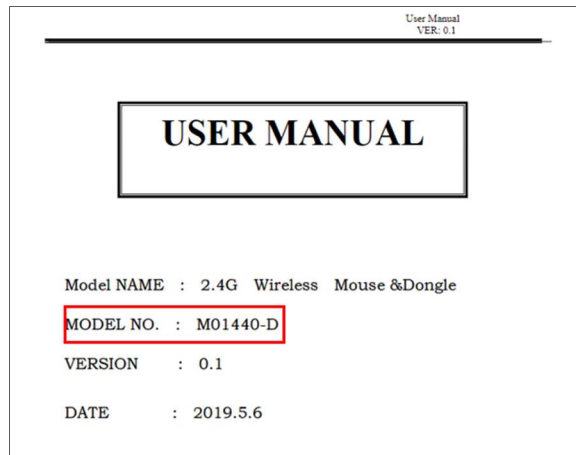


<https://www.cdw.com/product/kensington-pro-fit-ergo-wireless-keyboard-and-mouse-keyboard-and-mouse-se/5735857>

a circuit configured to (i) communicate one or more Universal Serial Bus (USB) data signals via a wireless radio signal comprising a single frequency hopping sequence configured to support one or more USB devices and

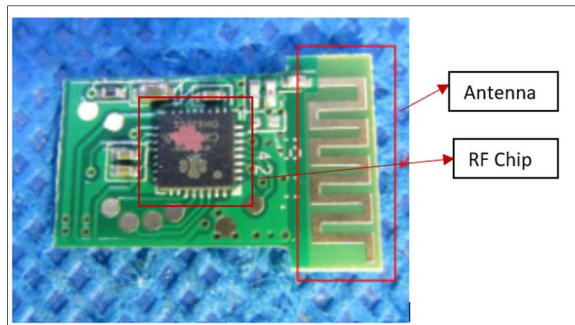
The Accused Products include a circuit configured to communicated one or more USB data signals to support one more USB devices.

The Accused Products include a USB Transceiver unit.



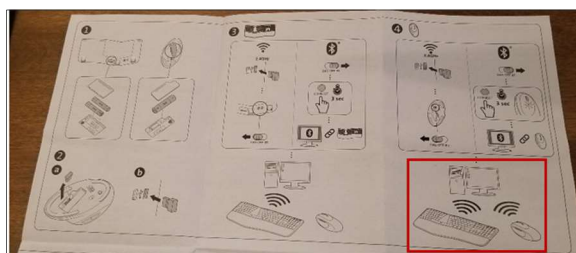
<https://fccid.io/GV3-M01440D/Users-Manual/User-Manual-4329605>

The circuit is a device configured to communicate via wireless radio frequency.



<https://fccid.io/GV3-M01440D/Internal-Photos/Internal-photos-4329600>

The circuit is operable to communicate with one or more USB devices.



The host device (e.g. computer) communicates data through the circuit (e.g. USB dongle) to a USB device (e.g. keyboard) via wireless radio signal.

As an example of this communication, when a user presses the “Caps Lock” key on a computer which hosts the circuit, the “Caps Lock” indicator on the wirelessly connected keyboard lights up.





The circuit operates on a frequency hopping sequence (e.g. Gaussian frequency-shift keying).

Anbotek 安博检测
Product Safety Anbotek Testing

Report No.: SZAWW190510012-01 FCC ID: GV3-M01440D Page 1 of 40

FCC TEST REPORT

Client Name : ACCO Brands, Inc.

Address : 1500 Fashion Island Blvd., 3rd Floor, San Mateo, CA94404, United States

Product Name : Wireless dongle

Date : Jun. 17, 2019

1.2. Description of Device (EUT)	
Product Name	Wireless dongle
Model No.	M01440-D
Trade Mark	Kensington
Test Power Supply	DC 5V by USB Port
Test Sample No.	1-2-1(Normal Sample), 1-2-2(Engineering Sample)
Product Description	Operation Frequency:
	2403~2480MHz
	Number of Channel:
	16 Channels
	Modulation Type:
	GFSK
	Antenna Type:
	PCB Antenna
	Antenna Gain(Peak):
	-4.35 dBi

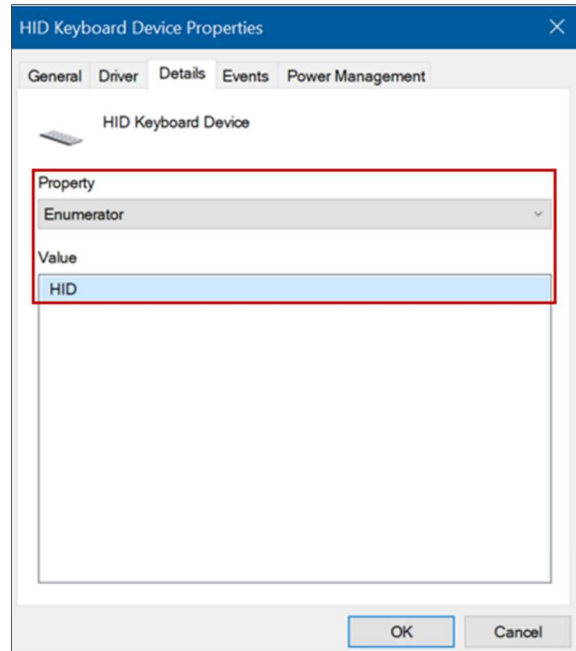
<https://fccid.io/GV3-M01440D/Test-Report/RF-Test-Report-4329603>

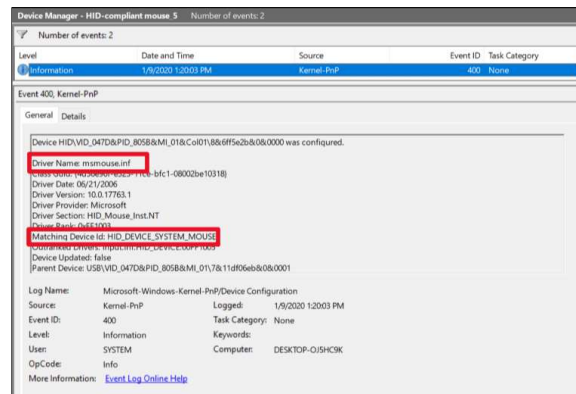
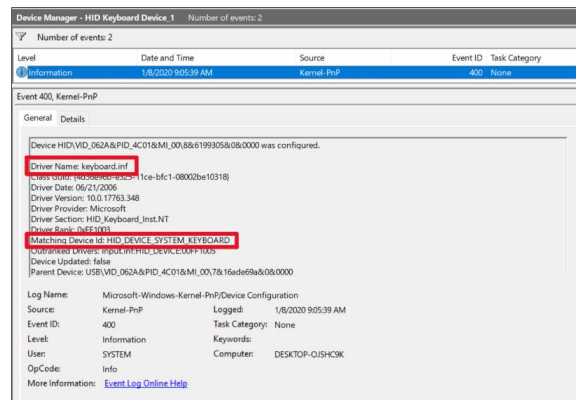
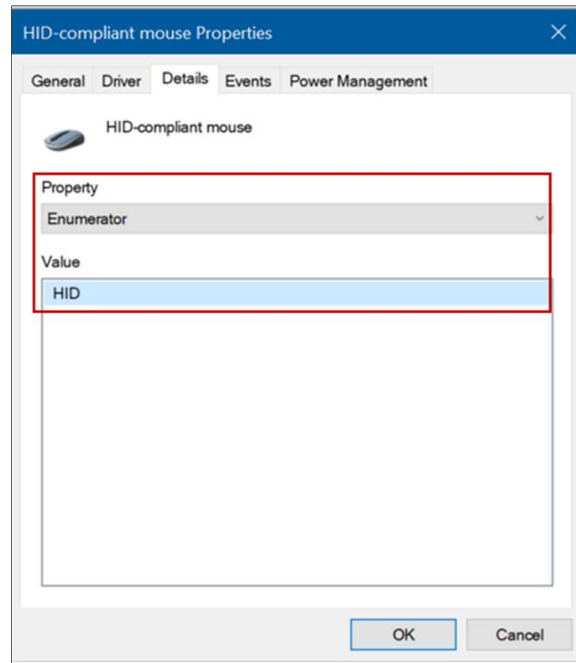
The circuit operates between 2403 and 2480 MHz.

The frequency hopping sequence supports one or more USB devices (e.g. mouse and keyboard).

(ii) enumerate said one or more USB devices.

The Accused Instrumentality is operable to enumerate the USB devices.





“A hardware ID is a vendor-defined string that Windows uses to match a device to an INF file.”

<https://docs.microsoft.com/en-us/windows-hardware/drivers/install/hardware-ids>

41. Terrestrial is entitled to recover from Defendant the damages sustained by Terrestrial as a result of Defendant's infringement of the '133 Patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT V – INFRINGEMENT OF U.S. PATENT NO. 6,519,290

42. Terrestrial repeats and realleges the allegations of paragraphs 1 through 21 as if fully set forth herein.

43. Claim 1 of the '290 Patent recites:

1. An apparatus comprising:

a circuit configured to generate a wireless radio signal in response to one or more first Universal Serial Bus (USB) data signals,

wherein said wireless radio signal comprises a single frequency hopping sequence configured to support one or more USB peripheral wireless network devices, and

said circuit is configured to (i) generate said one or more first USB data signals in response to said wireless radio signal and

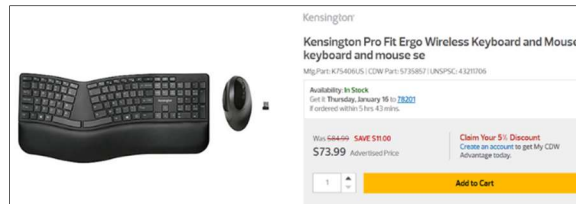
(ii) enumerate said one or more USB devices.

44. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant has infringed and continues to infringe the '290 Patent by making, using, importing, offering for sale, and/or selling the Accused Products.

45. As exemplified below, the Accused Products are a circuit configured to communicate USB data signals over a wireless frequency.

An apparatus comprising:

The Accused Instrumentality is an apparatus comprising a circuit configured to communicate USB data signals over a wireless frequency to one or more USB devices (e.g. keyboard and mouse) and to enumerate the USB devices.



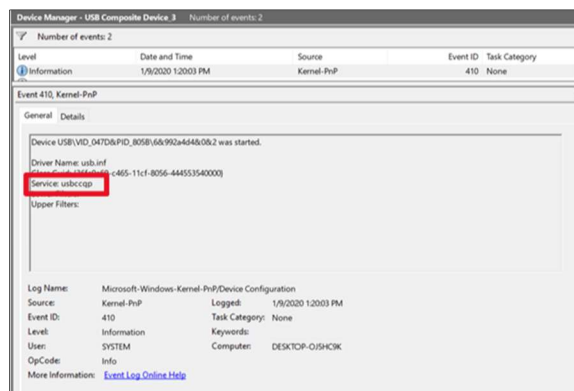
<https://www.cdw.com/product/kensington-pro-fit-ergo-wireless-keyboard-and-mouse-keyboard-and-mouse-se/5735857>

a circuit configured to generate a wireless radio signal in response to one or more first Universal Serial Bus (USB) data signals,

The Accused Products include a circuit configured to generate a wireless radio signal in response to one or more first Universal Serial Bus (USB) data signals.

The first data signal below is communicated between the host device and the USB interface.

To set up the USB interface, the client drivers (provided by the host) communicate with the receiver to establish the protocol as described below:



The service shown above is the USB generic parent driver.

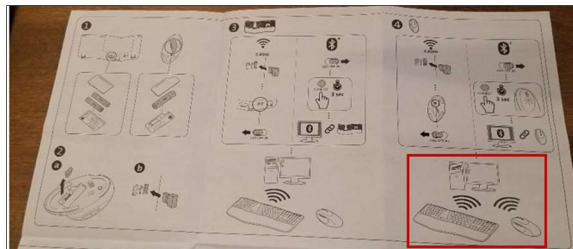
<https://docs.microsoft.com/en-us/windows-hardware/drivers/usbcon/usb-common-class->

generic-parent-driver

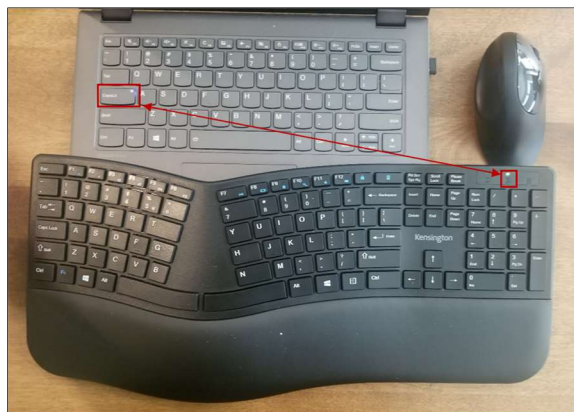
Some devices group interfaces into *interface collections* that work together to perform a particular *function*. When interfaces are grouped in interface collections, the generic parent driver treats each collection, rather than each individual interfaces, as a device. For more information on how the generic parent driver manages interface collections, see [Enumeration of Interface Collections on USB Composite Devices](#).

After the operating system loads the client drivers for the interfaces of a composite device, the generic parent driver multiplexes the data flow from the client drivers, combining these separate interactions into a single data stream for the composite device. The generic parent is power policy owner for the entire composite device and all of its interfaces. It also manages synchronization and PnP requests.

In response to said first data transaction the device is then registered to the computer and begins transmitting a wireless frequency device to connect to peripheral devices (a mouse and keyboard).



Then once the peripheral device is turned on, the USB Transceiver registers and communicates with said device.



wherein said wireless radio signal comprises a single frequency hopping sequence configured to support one or more USB peripheral wireless network devices, and

The radio signal generated comprises a frequency hopping sequence to support one or more peripheral devices.



Anbotek 安博检测
Product Safety Anbotek Testing

Report No.: SZAWW190510012-01 FCC ID: GV3-M01440D Page 1 of 40

FCC TEST REPORT

Client Name : ACCO Brands, Inc.

Address : 1500 Fashion Island Blvd., 3rd Floor, San Mateo, CA94404, United States

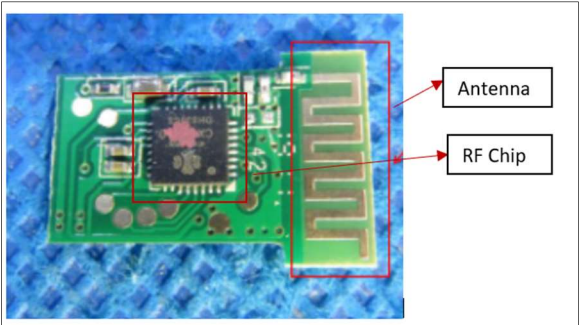
Product Name : Wireless dongle

Date : Jun 17, 2019

1.2. Description of Device (EUT)		
Product Name	Wireless dongle	
Model No.	M01440-D	
Trade Mark	Kensington	
Test Power Supply	DC 5V by USB Port	
Test Sample No.	1-2-1(Normal Sample), 1-2-2(Engineering Sample)	
Product Description	Operation Frequency:	2403~2480MHz
	Number of Channel:	16 Channels
	Modulation Type:	GFSK
	Antenna Type:	PCB Antenna
	Antenna Gain(Peak):	-4.35 dBi

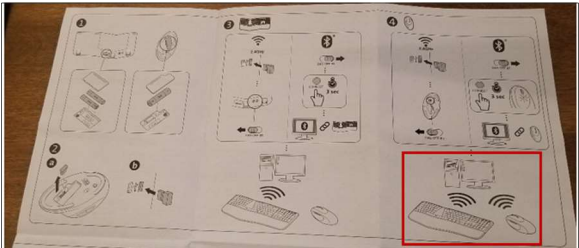
<https://fccid.io/GV3-M01440D/Test-Report/RF-Test-Report-4329603>

The circuit is a device configured to communicate via wireless radio frequency.



<https://fccid.io/GV3-M01440D/Internal-Photos/Internal-photos-4329600>

The circuit is operable to communicate with one or more USB devices.



<https://www.logitech.com/assets/45924/wireless-combo-mk270-quick-start-guide.pdf>

The circuit operates on a frequency hopping sequence (e.g. Gaussian frequency-shift keying).

1.2. Description of Device (EUT)		
Product Name	:	Wireless dongle
Model No.	:	M01440-D
Trade Mark	:	Kensington
Test Power Supply	:	DC 5V by USB Port
Test Sample No.	:	1-2-1(Normal Sample), 1-2-2(Engineering Sample)
Product Description	Operation Frequency:	2403~2480MHz
	Number of Channel:	16 Channels
	Modulation Type:	GFSK
	Antenna Type:	PCB Antenna
	Antenna Gain(Peak):	-4.35 dBi

<https://fccid.io/GV3-M01440D/Test-Report/RF-Test-Report-4329603>

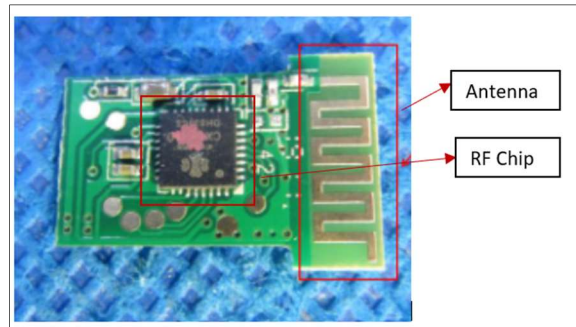
The circuit operates between 2403 and 2480 MHz.

The frequency hopping sequence supports one or more USB peripheral devices (e.g. mouse and keyboard).

said circuit is configured to (i) generate said one or more first USB data signals in response to said wireless radio signal and

The device generates a USB data signal in response to said wireless radio signal.

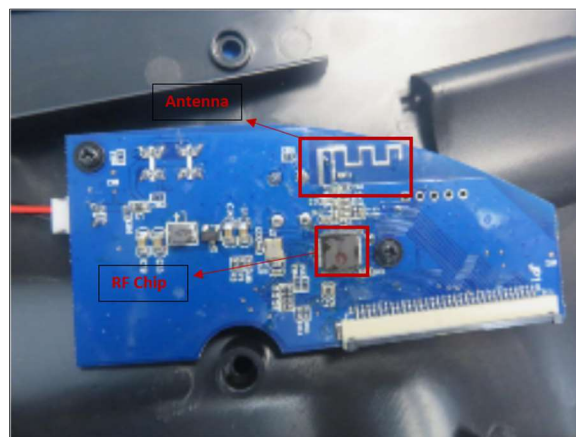
The circuit is a device configured to communicate via wireless radio frequency (e.g. 2.4 GHz wireless radio).



<https://fccid.io/GV3-M01440D/Internal-Photos/Internal-photos-4329600>

The circuit is operable to communicate with one or more USB devices (e.g. Mouse and Keyboard).

The transmitter in the wireless keyboard sends a data signal via a radio frequency to the USB device which receives the radio signals and converts that data into a USB data signal which is then communicated to the host device.



<https://fccid.io/GV3-M01440K/Internal-Photos/Internal-photos-4329536>

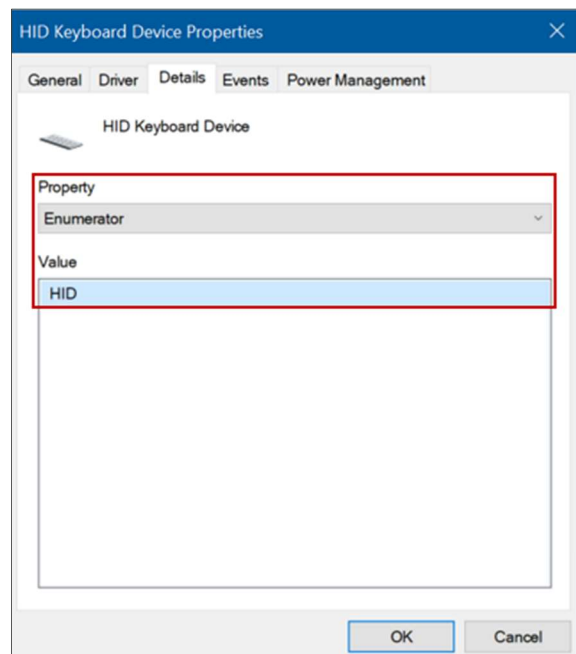
When the caps lock light when pressed on the wireless keyboard turns on the caps

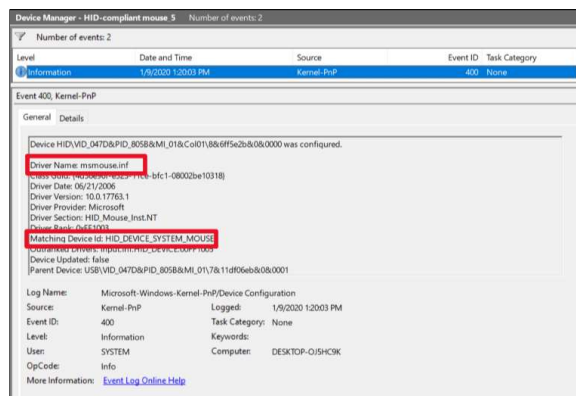
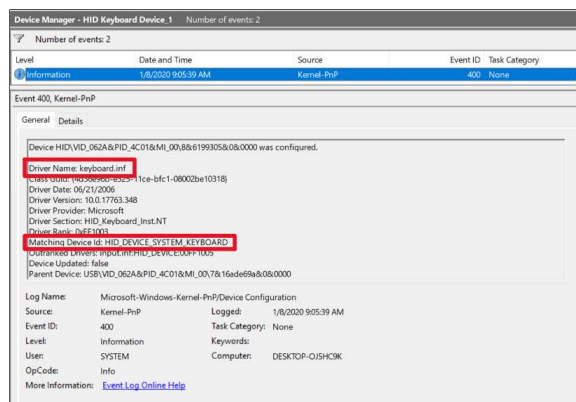
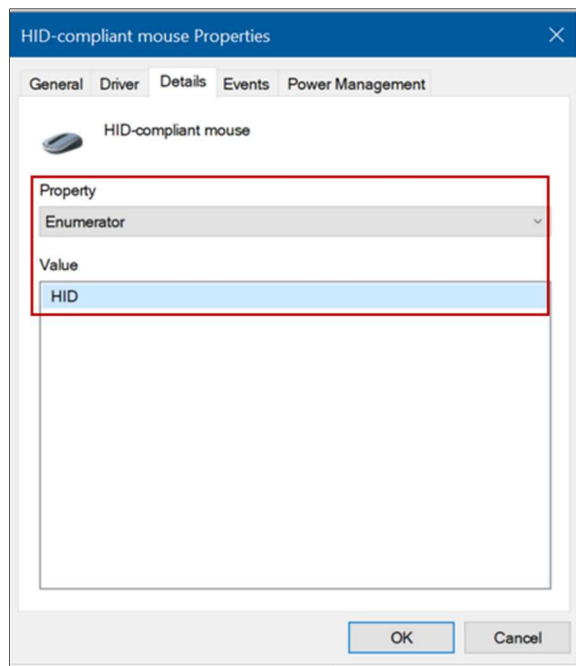
lock light on the host computers keyboard.



(ii) *enumerate said one or more USB devices.*

The Accused Instrumentality is operable to enumerate the USB devices.





“A hardware ID is a vendor-defined string that Windows uses to match a device to an INF file.”

<https://docs.microsoft.com/en-us/windows-hardware/drivers/install/hardware-ids>

46. Terrestrial is entitled to recover from Defendant the damages sustained by Terrestrial as a result of Defendant's infringement of the '290 Patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

PRAYER FOR RELIEF

WHEREFORE, Terrestrial requests that this Court enter judgment against Defendant as follows:

A. An adjudication that Defendant has infringed the '850 Patent, the '563 Patent, the '552 Patent, the '133 Patent, and the '290 Patent;

B. An award of damages to be paid by Defendant adequate to compensate Terrestrial for Defendant's past infringement of the '850 Patent, the '563 Patent, the '552 Patent, the '133 Patent, and the '290 Patent, and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Terrestrial's reasonable attorneys' fees; and

D. An award to Terrestrial of such further relief at law or in equity as the Court deems just and proper.

JURY DEMAND

Plaintiff demands trial by jury, Under Fed. R. Civ. P. 38.

Dated: February 10, 2020

Respectfully Submitted

/s/ Raymond W. Mort, III

Raymond W. Mort, III

Texas State Bar No. 00791308

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ATTORNEYS FOR PLAINTIFF